

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEY, L.P. and DEY, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-372 (JJF)
)	
SEPRACOR INC.,)	
)	
Defendant.)	

SEPRACOR'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1), defendant Sepracor Inc. moves to dismiss the complaint for lack of subject matter jurisdiction. The basis for this motion is set forth more fully in the opening brief submitted herewith.

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August 13, 2008
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CERTIFICATE OF SERVICE

I, hereby certify that on August 13, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

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